

DEC 16 2003

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12/16/03

Date

Leo Stanger

Docket EPC-71

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Bertram V. Burke
Serial No. : 09/314,424
Filed : May 18, 1999
For : Voucherless Rebate System
Art Unit : 3622
Examiner : Jean D. Janvier, Tel 703-308-6287, Fax 703-746-7238

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

COVER SHEET FOR SMALL ENTITY

Sir:

Prior to an Office Action after the RCE submitted November 3, 2003, transmitted is an amendment.

STATUS OF CLAIMS					
	AFTER AMEND	HIGHEST PAID FOR	NO. EXTRA	RATE	NET
Total	46	30	16	x \$9 =	\$ 144.00
Independ	5	4	1	x \$43 =	\$ 43.00
Multiple Dep. Claims, if any					\$ 00.00
Total Due					\$ 187.00

It is respectfully requested the US Patent and Trademark Office charge the \$187.00 for additional claims to Deposit Account No. 194124. Please charge any additional amounts due, or credit any excess payments, to Deposit Account No. 194124.

Respectfully submitted,

Leo Stanger
Registration No. 19,188

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CENTRAL FAX CENTER****DEC 16 2003****OFFICIAL****Docket EPC-71****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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PRELIMINARY AMENDMENT AFTER RCE**Sir:**

Submitted is a complete set of claims showing amendments to the claims. Claims 1 to 46 are now in the application.

Also included is copy of the claims showing amendments with indicated passages and figures supporting the amendments. The Examiner insisted upon Applicant specifying location of each claim aspect in the specification. Applicant objects thereto, but is complying. It should be noted that these identifications do not limit the claims but are only entered to show support in the disclosure to the aspects of the claims. The claims stand alone without these entries.

Claims 1 to 30 are believed to be patentable by virtue of the reasons cited in the November 3, 2003 amendment. New claims 31 to 46 are believed to be patentable over

Burke patent 5,621,640 (Burke 5,621,640) in view of Hovakimian patent 5,466,919 (Hovakimian) on two grounds. As to the first ground, applicant is claiming the benefit of Burke 5,621,640, through a series of applications as set forth in the parent amendment. In accordance with the Examiner's comments, the claim for benefit now appears in the specification. Thus Burke 5,621,640 is not a proper reference in this application. The Hovakimian patent 5,466,919 has it earliest filing date, April 2, 1993, after the February 18, 1993 earliest effective filing date of the present application. Thus Hovakimian patent 5,466,919 is also not a proper reference in this application.

On a second alternative ground claims 31 to 46 are believed to be patentable over Burke patent 5,621,640 in view of Hovakimian patent 5,466,919, and any combination of Burke 5,621,640, Hovakimian, and all the references in the Information Disclosure Statements dated December 10, 2003 and the prior Information Disclosure Statement. Specifically, claims 31 to 46 are believed to be distinct and non-obvious from the from these references alone or in combination by virtue of: "in computer code, deducting from the amount entered in the transaction from said merchant the calculated rebates determined by the merchant and in computer code forwarding to said organization component the calculated and deducted rebates to be paid by the merchant to said organization."

The dependent claims are believed to be distinct and non-obvious by virtue of the following features:

In claim 32, the rebate to be paid by the merchant to the organization is calculated at the clearinghouse in computer code on the basis of the amount entered in the transaction; in claim 33, the calculated rebate to be paid by the merchant is also calculated at the clearinghouse in computer code on the basis of amounts in prior transactions by the consumer at the merchant; in claim 34, the rebate to be paid by the merchant is also calculated on the basis of arrangement with the organization component; in claim 35, the organization component is a nonprofit component having a plurality of nonprofits; in claim 36, said organization component includes one or more organizations which are nonprofits; in claim 37, the organization component includes a nonprofit body, the one or more supporters shop at the one or more merchants, and the one or more merchants agree to pay rebates to the nonprofit body; in claim 38, the step of forwarding includes downloading, in code, data concerning accumulated rebates to the merchant; in claim 39, each transaction defines shopping activity, and said clearinghouse component downloads reports on shopping activity and the step of forwarding includes sending reports, in code, of rebates to the merchant; in claim 40, the step of uploading occurs on-line during the transaction; in claim 41, the step of uploading occurs on a batch basis at a time other than the transaction; in claim 42, the program in said clearinghouse component has recorded therein in computer code a determination of said merchant of the amount of rebate available from said merchant, further including the determination of said merchant of the organization to receive rebates from said merchant, the supporters who qualify for rebates from said merchant, and the required activity needed to qualify for a rebate; and the step of calculating in the

clearinghouse component rebates includes using the determination by said merchant on the basis of purchases of the supporter from said merchant and to be paid by the merchant to the nonprofit includes and on the supporters who qualify for rebates by said merchant, and the required activity needed to qualify for a rebate; in claim 43, further comprising a step of enrolling and establishing a supporter ID using an entry terminal to select one or more organizations that will receive payments based on the calculated rebates; and information concerning said enrolling step is uploaded, by said entry terminal used during the step enrolling to a database in said clearinghouse component; in claim 44, said clearinghouse component includes a central clearinghouse that downloads reports on the transaction in the form of shopping activity and calculated rebate due said nonprofit organization to a remote terminal operated by said supporter; in claim 45, the step of enrolling a supporter is performed at a remote terminal of an organization; and information concerning enrolling is uploaded by a remote terminal of the organization to a database in the clearinghouse component; and in claim 46, said clearinghouse component allows a supporter to enroll and select an organization that will receive the calculated rebates.

None of the references, alone or in combination, suggests these features or in any sense make the claims obvious. As stated in the parent amendment, in Burke, it is the customer that chooses an amount and adds the amount, chosen by the customer, to the total charged by the merchant, and the clearinghouse sends the added amount to a charity or other destination. In the claimed invention, the merchant determines the

amount to rebate from the total charged by the merchant, and that amount is rebated to the destination organization.

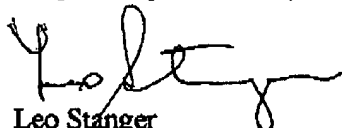
As stated in the parent amendment, Hovakimian adds nothing to the aforementioned, alone or combined, to make the claims obvious. In Hovakimian, the purchaser makes the donation, not the merchant.

The Examiner admits that Burke does not disclose or suggest a method and/or system for deducting calculated rebates, as determined by a merchant or retailer, based on purchases made by a supporter or customer or donor at the merchant's or retailer's to thereby forward, for payment by the merchant or retailer, the calculated and deducted rebates to a non-profit organization or charity. The Examiner mentions Hovakimian. However, as stated in the parent amendment, the Examiner never even alleges or concludes that Hovakimian suggests that the merchant determines the amount to rebate from the total.

The remaining references, cited by the Examiner or by applicant, also add nothing in the above in that no combination of any references suggest that the merchant determines the amount to rebate from the total.

In view of the above it is respectfully requested that the claims be allowed and the case passed to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Leo Stanger', written over a horizontal line.

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